

Sergey Mkhitarian  
Inmate NO: 2679724  
Lake's Crossing Center  
500 Galletti Way  
Sparks, N.V. 89431

FILED	RECEIVED
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COUNSEL/PARTIES OF RECORD	
FEB 22 2022	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY:	DEPUTY

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

SERGEY MKHITARYAN,  
Plaintiff

CASE NO: 2:22-CV-00221-JAD-BNW

-VS-

SUMMONS

COUNTY OF CLARK

DISCUSSION

Plaintiff calls on the Court Clerk And All sheriff's for the express intent of bringing them to attention And Notice of bringing to the knowledge And Person(s) the suit And documents directed to County Of Clark, for the Purpose of Appearing before an Honorable Judge in Open Court.

Plaintiff Requests the Court to Serve the Attached Summons form (AO 440) to defendants. Since the Plaintiff is an inmate And Method of Service is Impracticable. In Plaintiff's most Recent Suit filed with U.S. District Court Against Defendants County Of Clark And the State of Nevada with Case NO: 2:21-CV-01789-APG-BNW was Recently dismissed. County Of Clark filed a motion to dismiss for Insufficient Process And Insufficient Service of Process, where the Summons didn't bear the Clerks signature Nor had the Seal. Further, the Court didn't Serve the Summons on defendant's Nor Provided Any Summons in Return to Plaintiff to

P. 2

Service the defendant's. Plaintiff Previously filled out the same Summons form (AO 440) Provided by the Court. The State Of Nevada filed a motion to dismiss with Prejudice Under Fed. R. Civ. P. 17(c)(2) And Fed. R. Civ. P. 12(b)(1). Both Cases were dismissed Due to NON-Opposed.

Plaintiff was/is in Lake's Crossing Center for Competency evaluations, where Plaintiff is being deprived of Writing Material, legal library, Phone And Utilizing the U.S. Postal Services. However, Plaintiff was able to Luckily give the first Opposing motion for The State Of Nevada to family, to Certify Mail. Plaintiff's family Certify mailed the opposition motion of Plaintiff on Oct. 10, 22 Which was delivered on Oct. 13, 22 (see Exhibit). However, the Court Claimed it was not recieved And moved to dismiss the case. In regards to County Of Clark's motion to Dismiss, Plaintiff Again was being deprived of Utilizing U.S. Postal Services At Lake's Crossing Center by Number of staff. Who delayed delivering Plaintiff's legal mail four to Seven days late, Also delayed taking Plaintiff's mail, till the last Day of 1/12/22. Plaintiff Sent two Certified mail to U.S. District Court on the 12<sup>th</sup> of Jan 2022. Advicing Number of Staff the Importance of the mail/situation And why it must be Processed on Jan. 12, 22. However, Staff lost One And mailed the other Nine Days late. While depriving the Plaintiff of this Information Until the 24<sup>th</sup> of Jan. 22. Plaintiff Since the 12<sup>th</sup> of Jan Asked for a Certified Return Receipt Daily And to be Informed of Plaintiff's mail. On the Same day of Jan 24, 2022 Plaintiff was given mail from U.S. District Court dismissing the Claim on the last Defendant County Of Clark And therefore ~~from~~ Closing the whole Case. Plaintiff was finally Provided with a Receipt Also on the 24<sup>th</sup> of Jan. 2022. The Court being Aware of Plaintiff being at Lake's Crossing Center for Competency did Nothing to Protect Plaintiff's Intrest. Such behavior was on the Outer fringes of Judicial Conduct. Once Competency Arises the Court "must" Appoint a guardian ad litem Or Counsel by forwarding the Matter to the Pro bono Pilot Program to Protect Plaintiff's Intrest. It Would be futile to hold a Competency hearing, Since the State had Already Done So.

It seems a Pattern is Starting to form. Where the State is doing everything in its

Governmental body to Stop this Case from being heard. Plaintiff's first suit was dismissed due to Metro / C.C.D.C. withholding mail from Plaintiff. ~~at~~ Now Plaintiff is being deprived of Utilizing Postal Services. Moreover, the Court Claims Not Recieving Plaintiff's Certified mail delivered on 1/13/2022.

The Plaintiff is Currently Waiting for an Approval to Utilize U.S. Postal Services for three Weeks Now at Lake's Crossing Center. Everytime Plaintiff needs to mail Anything it must first be Approved by Treatment Team, which meets Once a Week. Plaintiff Sent last Request on Feb. 6, 2022, which was supposedly Approved. However, Plaintiff was Again deprived of Sending mail, Since No staff Provided Treatments Team sheet of Approval Or Processed Plaintiff's mail for the following week. Plaintiff Now must wait for the 14<sup>th</sup> of Feb. 2022 to Address this issue Once Again with staff. Since this Was Lake's Crossing Center's Reason that all Requests go through the Treatment Team, Due to the mail of Plaintiff Not being Processed / Lost Previously by staff. Now the Treatment Team has delayed / deprived Plaintiff meaningful Access to the Courts. Further, Want Provide Writing material / legal phone calls. For Anyone to Approve or disapprove an essential Right to every individual Under Constitutional Law, is unlawful. Since timing is Everything when it Comes to legal mail.

For the obvious reasons Plaintiff requests this Matter to be forwarded to the Pro bono Pilot Program to Protect Plaintiff's Intrest. Further, Requests the Court to Order Lake's Crossing Center to Stop Infringing Plaintiff's rights to meaningful Access to the Courts, In Accordance to the Prison Reform Act of 1995.

Plaintiff Also requests the ruling of the The State of Nevada to be Overturned And the Case be reopened for Plaintiff to Prosecute. County of Clarks Claim was dismissed based on Insufficient Service of Process / Process And Non-opposed. However, Since Plaintiff Never recieved Any Summons back from the Court Clerk to Serve upon defendant's And the Courts knowing of Plaintiff's Competency did Nothing to Protect Plaintiff's Intrest, for those reasons Plaintiff requests that he be Credited for the refiling fee in the Amount of four hundred And two dollars.

P.4

## CONCLUSION

- Plaintiff Requests the Court to Serve the Summons on defendant's, Since the Method of Service is Impracticable.
- Plaintiff Requests the Claim on defendant, The State Of Nevada to be reopen, Since the Attached Exhibit Proves Plaintiff did oppose in Time before the ruling.
- Plaintiff Requests the Court to Order Lakes Crossing Center to Provide Plaintiff with Writing Material, Phone, Video Visits And U.S. Postal Service. (Lakes Crossing Center does Not have a legal Library).
- Plaintiff Requests this Matter be forwarded to the Pro Bono Pilot Program to Protect Plaintiff's Intrests.
- Plaintiff requests A Credit for refiling fee in the Amount of four hundred And Two dollars.

## ORDER

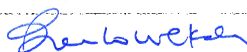
IT IS ORDERED that ECF No. 7 is DENIED without prejudice as premature.

The Court previously dismissed Plaintiff's complaint without prejudice and ordered Plaintiff to file an amended complaint by March 8, 2022. See ECF No. 5. Plaintiff has yet to file an amended complaint. Unless and until Plaintiff files an amended complaint in this case and it survives screening, the Court will not serve Defendant.

The Court also advises Plaintiff that he must file a separate motion for each type of relief requested in the future and should make his motions as clear and concise as possible.

IT IS SO ORDERED

DATED: 3:12 pm, February 27, 2022



BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE

United States District Court

District of Nevada

**Notice of Electronic Filing**

The following transaction was entered on 2/7/2022 at 2:42 PM PST and filed on 2/7/2022

**Case Name:** Mkhitarian v. County of Clark

**Case Number:** 2:22-cv-00221-JAD-BNW

**Filer:**

**Document Number:** 4(No document attached)

**Docket Text:**

**CLERK'S NOTICE.** Action Required to ECF No. [1]-2. ERROR: Wrong form used. Plaintiff is advised to complete the "AO 440 (Rev. 6/12) Summons in a Civil Action" form. The Court will only issue summons submitted on the Courts approved form available on the Court's Website. (no image attached) (MR)

2:22-cv-00221-JAD-BNW Notice has been electronically mailed to:

2:22-cv-00221-JAD-BNW Notice has been delivered by other means to:

Sergey Mkhitarian  
2679724  
Lakes Crossing Center  
500 Galletti Way  
Sparks, NV 89431

AA

 tools.usps.com



**USPS Tracking<sup>®</sup>**

**FAQs** >

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Remove X

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**USPS Tracking Plus<sup>™</sup> Available** ✓



 **Delivered, Left with Individual**

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- ☐ Return Receipt (hardcopy) \$0.00
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- ☐ Adult Signature Restricted Delivery \$0.00

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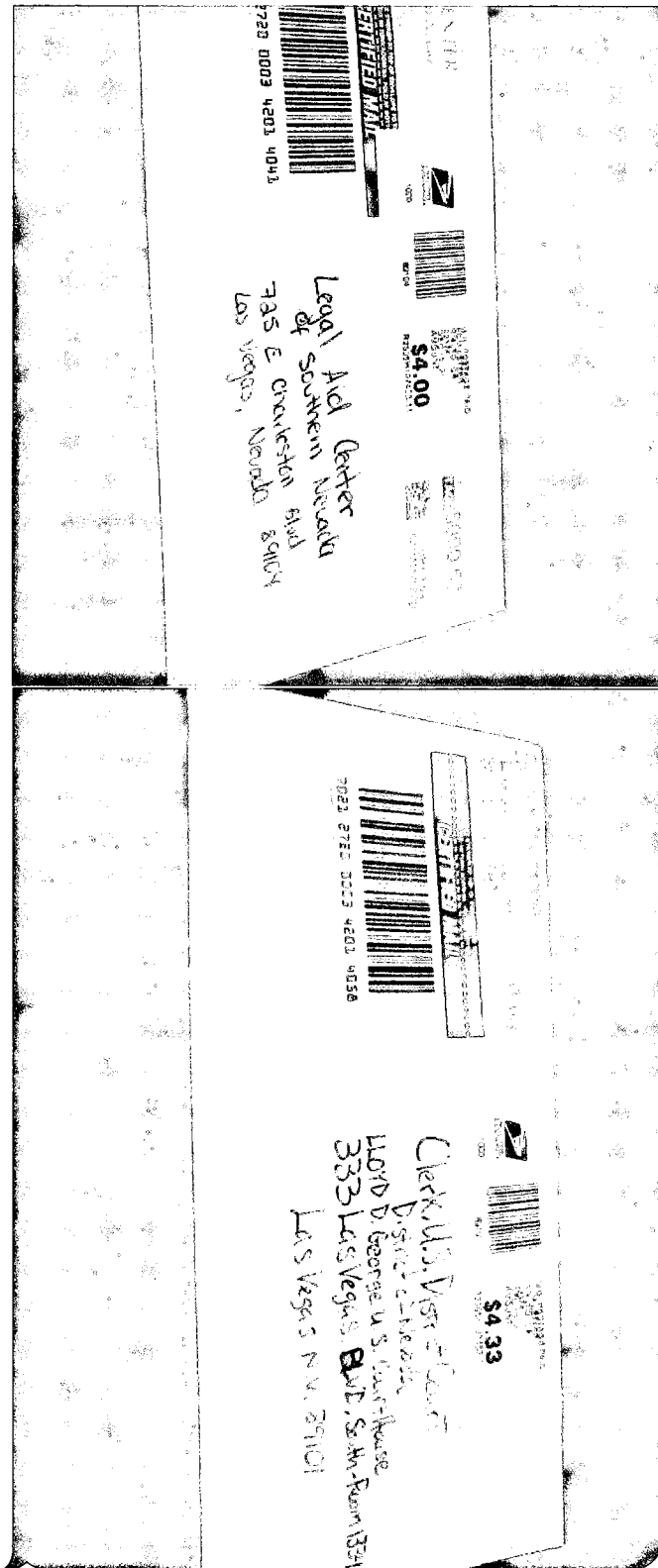
PS Form 3800, April 2015 PSN 7530-02-000-0017

See instructions on back of form

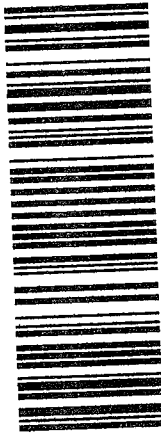
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Miriam >



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de #2679784  
S Crossing Center  
Galletti Way  
Vegas N.V. 89101



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OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.  
**CERTIFIED MAIL**

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FILED	RECEIVED
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COUNSEL/PRIESTS OF THE CO.	
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DISTRICT OF NEVADA	

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Lloyd D. George U.S. Courthouse  
333 Las Vegas Blvd. SO-Room 1334  
Las Vegas N.V. 89101

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